DARRYL ANDERSON, et al.,)
77. 4 . 400)
Plaintiffs,)
) Case Action No.:
v.) 1:06-CV-1000-MEF-WC
) JURY TRIAL DEMANDED
PERDUE FARMS INCORPORATED,)
)
Defendant.)

<u>PARTY PLAINTIFFS OF JULIUS THORNTON, SYBRINA WARE,</u> AND PRISCILLA MEEKS

COMES NOW the Defendant, Perdue Farms Incorporated, ("Defendant") by and through counsel, and moves to strike improper Notices of Consent to Join Suit as Party Plaintiffs.

Defendant files this Motion to Strike Consent Notices by Julius Thornton, Sybrina Ware, and Priscilla Meeks and in support states as follows:

- 1. On April 28, 2008, this Court issued an Order authorizing that Plaintiffs shall mail Notice to the class of conditionally certified opt-in Plaintiffs on or before May 9, 2008. Plaintiffs were directed to file all Consents to Become Party Plaintiffs in this lawsuit within sixty (60) days of the Notice being mailed to the class of conditionally certified potential opt-in Plaintiffs. See Dkt. No. 77.
- 2. To that end, the latest date that Plaintiffs could have mailed the notice and consent was May 9, 2008, creating a return and filing deadline of July 8, 2008.

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- 3. Despite the sixty-day opt-in period that was ordered by the Court, Plaintiffs Julius Thornton, Sybrina Ware, and Priscilla Meeks proceeded to file their consent forms with this Court on July 28, 2008, almost three weeks after the opt-in period had expired.
- 4. Plaintiffs did not file a Motion to file Consents out of time nor have they presented any evidence that there is a compelling reason or good cause to accept their untimely Consent forms.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests that this Honorable Court GRANT this Motion to Strike.

Dated: July 31, 2008

/s/ Lexer I. Quamie

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Counsel for Defendant, Perdue Farms Incorporated

^{*} James J. Kelley and Lexer Quamie have been admitted to this Court pro hac vice.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July 2008, I caused a copy of the foregoing Defendant's Motion to Strike Opt-in Plaintiffs Julius Thornton, Sybrina Ware, and Priscilla Meeks From the Class to be served via electronic mail upon:

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